

Nos. 22-3648 & 23-1325

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

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UNION PACIFIC RAILROAD COMPANY,  
*Petitioner,*

v.

SURFACE TRANSPORTATION BOARD and UNITED STATES,  
*Respondents,*

and

AMERICAN CHEMISTRY COUNCIL, et al.,  
*Intervening Respondents.*

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ASSOCIATION OF AMERICAN RAILROADS,  
*Petitioner,*

v.

SURFACE TRANSPORTATION BOARD and UNITED STATES,  
*Respondents.*

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**RESPONDENTS' UNOPPOSED MOTION FOR AN  
EXTENSION OF TIME TO FILE ANY PETITION FOR PANEL  
REHEARING OR REHEARING EN BANC**

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Respondents the Surface Transportation Board and the United States of America respectfully request a thirty-day extension of time to file any potential petitions for panel rehearing or rehearing en banc. Any such petitions are currently due October 4, 2024. The requested

extension would make them due November 4, 2024. That additional time is necessary for each Respondent to determine whether and to what extent to seek further appellate review and for Respondents to coordinate with each other. No party objects to a thirty-day extension.

Respectfully submitted,

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September 18, 2024

## CERTIFICATE OF COMPLIANCE

I, Drew Van Denover, hereby certify the following:

1. This motion complies with the type-volume limitations of Fed. R. App. P. 27(d)(2)(A) because it contains 84 words, excluding the parts of the motion exempted by Fed. R. App. P. 32(f) and 27(a)(2)(B).

2. This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word 365 in 14-point Century font.

/s/ Drew Van Denover  
Counsel for Surface Transportation  
Board

September 18, 2024

## **CERTIFICATE OF SERVICE**

I hereby certify that on September 18, 2024, the foregoing motion was filed with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit using the CM/ECF system. Participants in the case are registered CM/ECF users and will be served by the CM/ECF system.

/s/ Drew Van Denover  
Counsel for Surface Transportation  
Board